

## COPY OF TRANSCRIPT

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

W.A. DREW EDMONDSON, in his )  
capacity as ATTORNEY GENERAL )  
OF THE STATE OF OKLAHOMA and )  
OKLAHOMA SECRETARY OF THE )  
ENVIRONMENT C. MILES TOLBERT, )  
in his capacity as the )  
TRUSTEE FOR NATURAL RESOURCES )  
FOR THE STATE OF OKLAHOMA )

Plaintiffs, )

vs. )

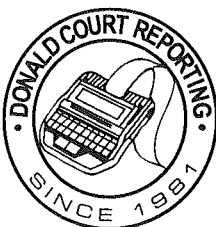
4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al., )

Defendants. )

### VIDEOTAPED DEPOSITION OF RAY WEAR

Taken at the law offices of Mitchell, Williams,  
Selig, Gates & Wooyard, 5414 Pinnacle Point Drive, Suite  
500, Rogers, Arkansas 72758, on July 26, 2007, at 9:44  
a.m.



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1 Q. Does Peterson Farms own any houses in which its  
2 chickens are maintained or raised?

3 A. Yeah. They -- it's -- yes, they do.

4 Q. What kinds of houses do they own?

5 A. Breeder houses.

6 Q. Okay. Do they own any broiler houses?

7 A. No.

8 Q. Did they at one time, Peterson Farms, Inc., own  
9 broiler houses?

10 A. Not to my knowledge, no.

11 Q. Even back before Evans & Evans came into the  
12 picture?

13 A. No.

14 Q. Okay. So Peterson Farms, in its broiler operation,  
15 has always contracted with other persons to grow its  
16 broilers? Either would sell them to them and buy them  
17 back or actually contract with the growers, independent  
18 growers, to take care of their chickens until they were  
19 ready for processing?

20 A. Yes.

21 Q. Are pullets houses separate houses from hens?

22 A. Yes.

23 Q. Does Peterson Farms, Inc. own pullet houses?

24 A. For the breeder operation, yes.

25 Q. Does Peterson Farms, Inc. own any of these kinds of

1 houses within the -- the Illinois River Watershed?

2 A. No.

3 Q. So all of the breeder houses and the pullet houses  
4 or the hen houses and the pullet houses are outside the  
5 Illinois River Watershed?

6 A. Yes.

7 Q. Now, when I say that, I want to be sure we're  
8 communicating. Not just the Oklahoma part of the Illinois  
9 River Watershed, but that part of that watershed which  
10 extends substantially into the State of Arkansas. So  
11 where --

12 A. (Witness nods head.)

13 Q. -- are the --

14 MR. McDANIEL: Is that a yes or no?

15 Q. (Mr. Riggs continued.) Yeah. You need to answer  
16 audibly --

17 A. Okay.

18 Q. -- for the purpose of the court reporter --

19 A. Yes. Yes. It's not -- not in the Illinois  
20 Watershed.

21 Q. Okay. Where are the hen houses, breeder houses,  
22 pullet houses, which are owned by Peterson Farms, Inc.?

23 A. Located around Decatur, Arkansas.

24 Q. Basically north of the Illinois River Watershed?

25 A. Yes.

1 second.

2 (Wherein, an off-the-record discussion was held.)

3 Q. (Mr. Riggs continued.) Who owns the poultry waste  
4 which accumulates in the contract grower's grow house?

5 MR. McDANIEL: Object to the form.

6 A. Talking about poultry litter?

7 Q. (Mr. Riggs continued.) Well, we'll talk on that  
8 later but I'll let you use your term for now, poultry  
9 litter.

10 A. The grower owns it.

11 Q. From the time Peterson started using contract  
12 growers to produce its chickens, has the grower always  
13 owned the litter produced in the growing of the chickens?

14 A. As far as I know, yes.

15 Q. Has Peterson ever imposed any restrictions in its  
16 contracts regarding how poultry litter is to be managed  
17 and disposed of, other than those we've just talked about?

18 A. It's required a Litter Management Plan for several  
19 years.

20 Q. Doesn't Peterson now require a stacking shed for  
21 each grower?

22 A. I believe that's correct.

23 Q. Wasn't there a communication that went out after the  
24 contracts were signed telling them they must now have a  
25 stacking shed?